Memo Shows Nixon Taking 'Culpability'

6/18/74

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A confidential House Judiciary Committee staff memorandum says President Nixon, in a conversation on an April 16, 1973, White House tape recording, said he was "planning to assume some culpability" in the payment of hush money to Watergate co-conspirator E. Howard Hunt Jr. because he knew of the proposed transaction.

The memo, a copy of which has been obtained by The Washington Post, lists this phrase as one of five instances in which the tape, which is in the committee's hands, differs from the transcript of it made public by the White House.

Taken together, the memo suggests, the five points make a stronger basis for argument that Mr. Nixon knew of such payments, which were factors in the indictments of his former chief White House aides, H. R. (Bob) Haldeman and John D. Ehrlichman. The question of his own culpability in the hush money payments is also considered to have been a major consideration in the grand jury's naming of Mr. Nixon as an unindicted co-conspirator.

The memo, dated June 6, was prepared by William P. Dixon, a Democratic staff lawyer, at the request of an unspecified Democratic member of the committee. Dixon wrote such memos to help clarify conflicts or illuminate aspects of Watergate-related White House conversations for the presidential impeachment inquiry.

The conversation was one between the President and then-White House counsel John W. Dean III on the morning of April 16 in which Dean retraced the March 21, 1973, meeting in which Dean told Mr. Nixon about Hunt's request.

Dixon's memo gives the dialogue first as he heard it on the tape, and then in parentheses as it appeared in the White House version:

"P: 'What was the situation, John? The only time I ever heard any discussion of, *uh, this supporting of the defendants* ... .' (Note: [italicized] portion appears in public transcripts as 'support for the defense fund . . .')

" ' . . . Was when you mentioned to me *some, something about the, I mean, I think the last time we talked about Hal —uh, Hunt having a problem.* (Note: publicly released transcripts show [italicized] portion as follows: 'something about hard-hitting problem.')

" . . . D. 'Ehrlichman said at the time, he said, "Well, is that problem with Hunt straightened out?" He said it to me and I said, "Well, ask the man who may know: Mitchell." And Mitchell said, "I

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MEMOS, From A1

think that problem is solved." '

"P. 'That's all?'

"D. 'That's all he said.'

"P. '*Right. That's good.* In other words, that was done at the Mitchell level.' (Note: [italicized] portion does not appear in publicly released transcripts.)

"D. 'That's right.'

"P. 'But you had knowledge; Haldeman had *a lot of* knowledge and Ehrlichman had knowledge.' (Note: [italicized] portion does not appear in public transcripts.)

"D. That's right.'

"P: 'And I suppose I did. I mean I am planning to assume some culpability on that.' (Note: [Italicized] portion appears as follows in transcripts President Nixon released to the committee and publicly: 'That assumes culpability on that, doesn't it?')."

In the White House transcript, the dialogue then continues with Dean disagreeing that such knowledge assumed culpability and Mr. Nixon responding: "Why not? I plan to be tough on myself so I can handle the other thing. I must say I did not even give it a thought at the time."

In the Watergate cover-up indictments, it is charged that after the March 21 meeting, Haldeman phoned former Attorney General John N. Mitchell, also indicted, who arranged for payment of approximately $75,000 to Hunt through his lawyer that night.

Three other Dixon memos obtained by The Washintgon Post also provide basis for a stronger judgment against Mr. Nixon, although as one of them concedes, "This material is presented to you in accord with your direction to me to interpret this material and it is obvious that some of these conversations could be interpreted by others in a different fashion."

One memo, dated May 31, argues that Dean not be called as a witness to clear up whether Mr. Nixon did or did not tell him to meet Hunt's demands.

It quotes the March 21, 1973, tape in which the President said, "You've got no choice with Hunt but the hundred and twenty or whatever it is," and, a moment later, "Well, for Christ's sakes get it. . ."

Dixon observes: "Instead of calling Dean to testify as to the President's frame of mind at that meeting, it may be more fruitful to rely on the best evidence available, which is the President's own words regarding what he thought."

Then Dixon quotes from the public transcript of an April 14, 1973, meeting of Mr. Nixon, Haldeman and Ehrlichman and concludes:

"Since this conversation discloses that the President left the meeting with the feeling that Dean would get Hunt paid off, it is arguable that there is therefore no need to seek further evidence regarding the President's feelings since we now have them in his own words."